

REMARKS/ARGUMENTS

The Office Action mailed March 19, 2008 has been received and the Examiner's comments carefully reviewed. Claims 20-24, 27-29, 44-53 are rejected. Claims 20, 44 and 50 have been amended. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

Double Patenting

Claims 20-24, 27-29, 44-53 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 42-61 of copending Application No. 101044,294, now allowed. The applicants have amended the claims to recite additional limitations, such as "wherein the broadcast mode operates on a subcarrier of a wide area transmitting channel and the localcast mode operates on a directly modulated main channel that is different from the wide area transmitting channel at which the broadcast mode operates" and "a digital control and processing circuit that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on" in amended Claim 20. The Applicants assert that the amended claims are patentably distinct over the allowed claims of Application No. 101044,294 and respectfully request that the double patenting provisional rejection be withdrawn.

Claim Rejections

Claims 20, 23, 25-29, 44, 48-50, 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lorang et al (US Pat No. 5,548,814) in view of Dorenbosch (US 6,081,202)

and Gaskill et al (US 5,301,358). Claims 21-22, 24,45-47, 51 were rejected under 35 U.S.C. 103(a) as being unpatentable by Lorang in view of Dorenbosch and Gaskill et al, and further in view of Hoff (US 5,168,271). The Applicants respectfully disagree but have amended the claims to more clearly define the invention.

As amended, Claim 20 recites in part “a digital radio that is configured to receive information content in a localcast-mode and in a broadcast-mode, and to transmit information content in a localcast-mode; wherein the broadcast mode operates on a subcarrier of a wide area transmitting channel and the localcast mode operates on a directly modulated main channel that is different from the wide area transmitting channel at which the broadcast mode operates; a digital control and processing circuit that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency, antenna tuning parameters, and a duration of capture time.” In contrast, Dorenbosch does not teach tracking information that is received from a channel that is different than the channel that is used for transmission.

For example, the Office Action states “Lorang fails to teach a tuning process for the mobile paging device in response to a receive command that describes a receive frequency, antenna tuning parameter and a duration of capture time from a controller. However, Dorenbosch teaches a method for a pager to be tuned to a specified frequency at a predetermined scheduled time to receive a message (see Abstract, col. 3, lines 14-20, col. 8, lines 1- 27).” (Office Action, pp. 2-3).

Dorenbosch teaches a system that uses a single mode for communication. The communication mode of Dorenbosch allows for two-way communication between a base station and a portable subscriber unit. For example, as can be seen in FIG. 1 of Dorenbosch, base stations 116 both receive information from and transmit information to portable subscriber units 122. "Each of the base stations 116 transmits RF signals to the portable subscriber units 122 via a transceiver antenna 118. The base stations 116 each receive RF signals from the plurality of portable subscriber units 122 via the transceiver antenna 118. The RF signals transmitted by the base stations 116 to the portable subscriber units 122 (outbound messages) comprise selective call addresses identifying the portable subscriber units 122, and voice and data messages originated by a caller, as well as commands originated by the first controller 112 for adjusting operating parameters of the radio communication system. The RF signals transmitted by the portable subscriber units 122 to the base stations 116 (inbound messages) comprise responses that include scheduled messages, such as positive acknowledgments (ACKs) and negative acknowledgments (NAKs), and unscheduled messages, such as registration requests."

(Dorenbosch, col. 3, lines 25).

As is explained by Dorenbosch, *the "commands originated by the first controller 112 for adjusting operating parameters of the radio communication system" are transmitted to the portable subscriber units using the same mode of communication as the portable subscriber units communicate back the base station.* Dorenbosch simply teaches a single mode of communicating.

Dorenbosch does not teach that commands are transmitted on a subcarrier of a wide area commercial station that may reach the portable subscriber units when the units are a great distance from the broadcast tower. Dorenbosch does not teach that the portable subscriber units may not have sufficient broadcast power to transmit back the great distance to the broadcast tower. Dorenbosch does not teach that, the portable subscriber units thus transmit on a localcast mode. Accordingly, Dorenbosch makes no teaching of *receiving tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on.*

Since Dorenbosch does not teach a digital radio that is configured to receive information content in a localcast-mode and in a broadcast-mode, and to transmit information content in a localcast-mode; wherein the broadcast mode operates on a subcarrier of a wide area transmitting channel and the localcast mode operates on a directly modulated main channel that is different from the wide area transmitting channel at which the broadcast mode operates; a digital control and processing circuit that generates receive commands in response to tracking information received on broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency, antenna tuning parameters, and a duration of capture time, Claim 20 is proposed to be allowable. Claims 21-24 and 27-29 are proposed to be allowable as they depend from a valid base claim.

As amended, Claim 44 recites in part “means for receiving a signal that is arranged to receive a first broadcast signal from a broadcast transmitter when the mobile device is in a

broadcast mode, is arranged to receive a first localcast signal from a localcast transmitter when the mobile device is in a localcast mode, is arranged to generate receive commands in response to tracking information received when the device is in the broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency, antenna tuning parameters, and a duration of capture time, and is arranged to be tuned in response to the receive commands; and means for transmitting a signal that is arranged to transmit information from the mobile device when the device is in the localcast mode.” For at least the reasons presented above, Claim 44 is proposed to be allowable. Claims 45-49 are proposed to be allowable as they depend from a valid base claim.

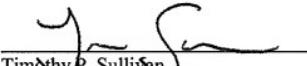
As amended, Claim 50 recites in part “a digital processing circuit that generates receive commands in response to received tracking information received when the device is in a broadcast mode such that the tracking information is received on a different channel than the mobile device transmits on, wherein the receive commands describe a receive frequency and a duration of capture time; an antenna assembly configured to be tuned in response to the receive commands; a transceiver that is coupled to the antenna assembly, wherein the transceiver is arranged to provide communication over the antenna assembly in one of the broadcast mode and a localcast mode; wherein the broadcast mode operates on a wide area channel and the localcast mode operates on a local area channel that is different from the wide area channel.” For at least the reasons presented above, Claim 50 is proposed to be allowable. Claims 51-53 are proposed to be allowable as they depend from a valid base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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